

## DOCKETED

<b>Docket Number:</b>	09-AFC-05C
<b>Project Title:</b>	Abengoa Mojave Compliance
<b>TN #:</b>	212968
<b>Document Title:</b>	Response to Application for Confidential Designation RE Abengoa Cultural Resources Report
<b>Description:</b>	N/A
<b>Filer:</b>	Sabrina Savala
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	8/26/2016

**CALIFORNIA ENERGY COMMISSION**1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

August 24, 2016

José Manuel Bravo  
Abengoa Solar  
ASI Operations LLC  
42134 Harper Lake Rd  
Hinkley, CA 92347**RE:           Application for Designation of Confidential Cultural  
Resources Report  
Abengoa Mojave Compliance  
Docket No. 09-AFC-05C**

Dear Mr. Bravo:

The California Energy Commission is in receipt of an Application for Confidentiality submitted on behalf of Abengoa Solar (Applicant). The application seeks confidential designation for *Cul-4: Cultural Resources Report* of August 2016 (Confidential Record), which includes Appendix A: DPR Series 523 Forms and Appendix B: Artifact Catalog (Digital).

The application states:

[The Confidential Record] contains confidential cultural resource locality information . . . .

A properly filed Application for Confidentiality shall be granted under the California Code of Regulations, title 20, section 2505(a)(3)(A), "if the applicant makes a reasonable claim that the Public Records Act or other provision of law authorizes the California Energy Commission to keep the record confidential."

The California Public Records Act provides for the nondisclosure of archaeological site information and reports. (Gov. Code. §. 6254.10.) The Public Records Act also recognizes the confidentiality principles of federal law (Gov. Code. § 6254(k).) The Archaeological Resources Protection Act establishes a clear, national legal policy that all types of archaeological, paleontological, and cultural resource site locations must be kept confidential in order to preserve them. (16 U.S.C. § 470hh.) Non-disclosure of cultural resources, such as the location information contained in the Confidential Record, is expressly in the public interest. Nondisclosure of the Confidential Record serves the public interest by preventing looting of the cultural resource; looting would

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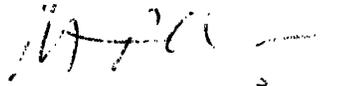
preclude scientific study of the sites to obtain data about the cultural resource areas. Therefore, Applicant's request for confidentiality of cultural resource site location information contained within the Confidential Record is granted in its entirety. The cultural resource site information will be kept confidential for an indefinite period. However, Applicant states that California Energy Commission Staff could incorporate a generalized summary of the information contained in the Confidential Record to properly state the basis for its analysis, without disclosing specific information.

Any subsequent submittals related to cultural resources can be deemed confidential as specified in this letter without the need for a new application under California Code of Regulations, title 20, sections 2505(a)(1)(G) and 2505(a)(4), if you file a certification under penalty of perjury that the new information is substantially similar to the information granted confidentiality by this determination.

Be advised that persons may petition to inspect or copy records that I have designated as confidential. The procedures and criteria for filing, reviewing, and acting upon such petitions are set forth in the California Code of Regulations, title 20, section 2506.

If you have any questions concerning this matter, please contact Michelle Chester, Staff Counsel, at (916) 651-2935.

Sincerely,



Robert P. Oglesby  
Executive Director

cc: Docket Unit, California Energy Commission  
Dale Rundquist, California Energy Commission, Compliance Project Manager